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SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8803

UNITED STATES OF AMERICA, Plaintiff, v. Maria de Jesus NUNEZ Defendant.	Magistrate Case No.. COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

On or about September 2, 2008, within the Southern District of California, defendant Maria de Jesus NUNEZ did knowingly and intentionally import approximately 37.27 Kilograms (81.99 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Douglas A. Stuckmeyer
Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 3rd DAY OF SEPTEMBER, 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Maria de Jesus NUNEZ

STATEMENT OF FACTS

This complaint is based upon the personal observations, investigation and information provided to U.S. Immigration and Customs Enforcement Special Agent Douglas Struckmeyer.

On September 2, 2008, Maria de Jesus NUNEZ entered the United States at the Calexico, California West Port of Entry. NUNEZ was the driver and sole occupant of a 2000 Chevrolet Cavalier registered to another person. At the time of her entry, Canine Enforcement Officer (CEO) D. Ragsdale was conducting pre-primary inspection operations with his Narcotic Detector Dog (NDD). CEO Ragsdale observed NUNEZ sitting rigidly in the driver's seat of her vehicle with both hands firmly on the steering wheel. CEO Ragsdale used his NDD to screen NUNEZ' vehicle. The NDD alerted to the vehicle, indicating the presence of the odor of a controlled substance.

NUNEZ was then removed from the vehicle and escorted through the primary inspection lane. In the primary inspection lane, Customs and Border Protection Officer (CBPO) J. Lizarraga received a negative Customs declaration from NUNEZ. From the primary inspection lane, NUNEZ was escorted to the vehicle secondary office, while the vehicle was taken to the vehicle secondary lot for further inspection.

CBPO Moreno encountered NUNEZ in the vehicle secondary office. CBPO Moreno received a negative Customs declaration from NUNEZ. NUNEZ told CBPO Moreno that the vehicle belonged to her, and that she had purchased it the previous day.

Further inspection of the vehicle resulted in the discovery of 32 packages concealed within the rear quarter panels and front doors of the vehicle. The packages contained a green leafy substance which field-tested positive for marijuana. The total weight of the packages was 37.27 Kilograms (81.99 pounds).

Special Agents (SA) Struckmeyer and Lewenthal responded to the Port of Entry and interviewed NUNEZ. NUNEZ denied knowledge of the marijuana found concealed in the vehicle, however she did receive multiple telephone calls from a person named JOSE. NUNEZ identified JOSE as the owner of the vehicle, contrary to her prior statement that she is the owner of the vehicle.

SA's Struckmeyer and Lewenthal also interviewed Susana ZAVALA-Flores, NUNEZ' neighbor. ZAVALA stated that NUNEZ left her two children with her stating that she was going to Calexico to go shopping. ZAVALA stated that she has known NUNEZ since NUNEZ was 13 years old and that she knows that NUNEZ does not own a vehicle. NUNEZ left her home in a taxi cab earlier in the day and was supposed to return to pick up her children.